

Response

U.S. Serial No.: 09/815,942

Page 8 of 11

REMARKS

This response is intended as a full and complete response to the final Office Action mailed on March 24, 2005. In the Office Action, the Examiner notes that claims 1-20 are pending, of which claims 1-20 stand rejected. By this response, all claims continue unamended and arguments rebutting the Examiner's position are provided.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing this Response After Final.

REJECTIONS**35 U.S.C. §103 Claims 1-20****Claims 1-20**

The Examiner has rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Mahler et al. (6,675,218, hereinafter "Mahler") in view of Garcia et al. (6,145,061, hereinafter "Garcia"). The Applicants respectfully transverse the rejection.

In the Final Office Action, the Examiner indicated that the Applicants arguments were not persuasive; thus, the rejection is maintained. In response, Applicant does not agree with the Examiner's position and analysis of Applicant's prior response and believes such arguments are adequate to overcome the rejection. Further, the Examiner's attempt to clarify the alleged teachings of Mahler in the Final Office Action are deficient; thus, any attempted combination of Mahler with other references still does not result in the claimed invention. Independent Claims 1, 17 and 19 recited and relevant case law cited in Applicants prior response are still of record and may be

Response

U.S. Serial No.: 09/815,942

Page 9 of 11

referred to by the Examiner.

Specifically, in Section 23 of the Final Office Action, the Examiner states that Mahler discloses respective pointers being exchanged between said operating system and said network by the application running in user space and the PML API moving a packet between kernel space and user space per FIG. 1, Col. 6, lines 32, Col. 2, line 36 – Col. 3, line 11. However, FIG. 1 (per Col 6, lines 1-3) shows a block diagram of the interoperation and division of a TCP/IP protocol stack between user space and kernel space, no specific indication of pointer usage between such memory regions is depicted. Additionally, Col. 2, line 36 – Col. 3, line 11 specifically discusses the copying of packets to move such packets from kernel space to user space and vice versa. This in no way discloses usage of pointers in accordance with the subject invention and is actually a teaching counter thereto. That is, if the actual packets are manipulated (i.e., copied) then there is no suggestion of the implementation (or exchange) of pointers as claimed. Also, Col. 6, lines (15)-32 specifically discloses the moving of packets between kernel space and user space (lines 27-28). As stated earlier, this is inopposite to the purpose and proposed solution of the subject invention. Accordingly, there can be no teaching or suggestion of pointer usage as claimed.

In Section 24 of the Final Office Action, the Examiner states that Mahler discloses each said packet is stored in a buffer mapped both to the operating system and the specified network application (via the file-desc pointer of Col 6, lines 63-67 and Col. 7, lines 1-6). However, this portion of the reference teaches pointer usage in association with function calls (i.e., read, write, open and the like) of applications in user space in relation to kernel space and not the specific mapping or referencing of packets as claimed in the subject invention. At Col 6, line 65 – Col 7, line 3, "...the kernel allocates memory in kernel space for a "file structure," which will hold pointers to the beginning and end of the file on a disk, as well as pointers to the kernel functions that implement the "close", "read", "write" and "ioctl" user-space functions. In addition, the kernel returns to the calling application a pointer "file-desc" to the file structure. It is respectfully submitted that there is no discussion of the packets in the cited section because it was not the intention of Mahler to map packets but functions via pointers.

352508-1

Response

U.S. Serial No.: 09/815,942

Page 10 of 11

Furthermore, subsequent manipulation of packets based on this pointer activity was cited by the Examiner in the previous Office Action (Col. 7, lines 7-29) and such was shown to not be combinable with other cited references to result in the claimed invention in Applicant's prior response. That is, the combination would merely disclose a kernel of an operating system allocating memory in kernel space for a file structure which will hold pointers to the beginning and the end of the file on a disk, allocating memory in the kernel space for a packet queue to hold pointers to trap packets, moving the associated trapped packet into user space and deleting the packet from the kernel space, and using the queue for storing data elements so that it can be managed asynchronously by separate processing elements.

As such, the Applicants submit that independent claims 1, 17 and 19 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 2-16, 18 and 20 depend directly or indirectly from independent claims 1, 17 and 19 and recite additional limitations thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, the Applicants submit that claims 1-20 in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, telephone number (732) 530-9404, so that appropriate arrangements may be made for resolving such issues as expeditiously as possible.

Response
U.S. Serial No.: 09/815,942
Page 11 of 11

Respectfully submitted,



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